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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX  
MARKETING SALES PRACTICES AND  
PRODUCT LIABILITY LITIGATION

Case No. C 06 7278 CRB

MDL NO. 1699

District Judge: Charles R. Breyer

Margie Borchardt,

Plaintiffs,

vs.

Merck & Co., Inc., et al.

Defendants.

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

Come now the Plaintiff, MARGIE BORCHARDT, and Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action **with prejudice** with each side bearing its own attorneys' fees and costs.

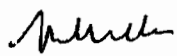
DATED: 11/12, 2009

MATTHEWS & ASSOCIATES

By: 

David P. Matthews  
Attorneys for Plaintiffs

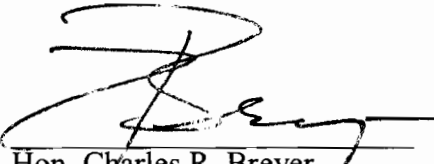
1 DATED: February 4, 2010 DLA PIPER LLP (US)

2 By: 

3 Michelle W. Sadowsky  
4 Attorneys for Defendants

5  
6 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,**  
7 **IT IS SO ORDERED.**

8  
9 Dated: April 5, 2010

  
10 Hon. Charles R. Breyer  
11 United States District Court